

Remarks/Arguments:

Claim Statue:

Claims 1, 3-6, 8-10, 12-15, 17-19, 21-23 and 32 are currently pending in this application.

Claim Rejections Under 35 U.S.C. § 112:

Claims 1, 3-10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have supplemented the description of the circumferential recess of claim 1, by reciting a "circumferential recess positioned on an exterior cylindrical surface of said mounting portion." This rejection should now be moot in view of Applicants amendment to claim 1.

Claim Rejections Under 35 U.S.C. § 102 (b):

Claims 1, 3-5, 8-10, 12-15, 17 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Tontarelli (US Patent No. 4,750,697). Applicants respectfully request reconsideration of these claims and respectfully submit that these claims are patentable over Tontarelli for the reasons set forth below.

Independent claim 1, as amended, recites limitations that are neither disclosed nor suggested by Tontarelli, namely:

at least one circumferential recess positioned on an exterior cylindrical surface of said mounting portion to facilitate the movement of said apparatus with respect to the medical device.

Applicants disclose a hanger 10, according to one embodiment, having a mounting portion 14 for attachment to the handle 16. Notches 44 are defined in the handle 16 for engagement with the mounting portion 14 of each hanger 10. More specifically, according to one embodiment, a circumferential recess 38 defined on a mounting portion 14 of a hanger 10 engages a notch 44 defined in the handle 16 (see Page 12, Lines 13-16 and Figures 3A-4D). It is the orientation of the circumferential recesses 38 of the mounting portions 14 with respect to the handle 16 that facilitates the pivotal movement of the hangers 10 with respect to the handle 16 (see Page 14, Lines 12-15).

Tontarelli discloses a hanger 'H' for supporting an article of clothing, a hook 1 for mounting to a bar or other apparatus, and a base portion 2 connecting the hanger 'H' to the hook 1 that allows the hook to rotate freely around both a vertical and horizontal axis. The base portion 2 includes an open ring 2b having a circular cross section "so that its profile should resemble a 'C' flattened in its upper portion" (see Column 2, Lines 19-23). Tontarelli teaches that "[t]he open ring (2b) with its circular cross-section (as shown in FIGS. 1 and 2 of the drawings) can be easily hooked onto the neck [10] of the hanger using only a slight pressure sufficient to elastically expand the ring itself. At the connection point [of the hanger 'H' and the base portion 2], the neck of the hanger ... include[s] a portion having a horizontal bar with a circular cross-section corresponding exactly in its diameter, to the inside diameter of the open ring (2b)" (see Column 2, Lines 24-31).

The connection point between Tontarelli's hanger 'H' and the base portion 2 is distinguished from Applicants' circumferential recess 38 that is positioned on an exterior cylindrical surface of the mounting portion, as recited in claim 1.

Tontarelli therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 1. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1, as amended, is patentable over Tontarelli and should be allowed. Claims 3-5, 8-10 and 12 are dependent upon claim 1, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 1, 3-5, 8-10 and 12 is respectfully requested.

Independent claim 13, as amended, recites at least two limitations that are neither disclosed nor suggested by Tontarelli, namely:

a thoracic cavity drainage system including a collection chamber for storing fluid and a handle for grasping by a user; and

wherein a slot is defined in said handle to accommodate at least a portion of said hook portion when said hanger is in a retracted position.

By the amendment to claim 13, Applicants are affirmatively claiming an assembly comprising a thoracic cavity draining system having a collection chamber and a handle. The thoracic cavity draining system includes a collection chamber for storing fluid. Support for this amendment may be found, for example, in Figures 1, 2, 5 and 6 and in the instant specification on Page 1, Line 11 to Page 2, Line 2. No new matter is being added by this amendment. In

contrast, Tontarelli discloses a hook for a coat hanger, as opposed to a thoracic cavity draining system having a collection chamber and a handle.

Furthermore, Applicants have amended claim 13 to recite that the slot is defined in the handle, as opposed to the medical device. Tontarelli does not disclose or suggest a slot defined in a **handle** to accommodate at least a portion of said hook portion when said hanger is in a retracted position. The Office Action characterizes Tontarelli's horizontal bar 10 as a handle (see Page 3 of the Office Action). However, the horizontal bar 10 does not incorporate a slot to accommodate the hook portion 1 in a retracted position. As best shown in FIG. 7 of Tontarelli, hook portion 1 is illustrated in a retracted position and is not positioned or accommodated in a slot defined in the horizontal bar 10.

Tontarelli therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 13. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 13, as amended, is patentable over Tontarelli and should be allowed. Claims 14, 15 and 17 are dependent upon claim 13, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 13-15 and 17 is respectfully requested.

Independent claim 32 recites limitations that are neither disclosed nor suggested by Tontarelli, namely:

at least one hanger comprising

a mounting portion coupled to an end portion of said shaft and coupled to said handle;

a hook portion positioned at an opposite end portion of said shaft and configured for hanging from the support; and

wherein at least a portion of said hook portion of said **hanger extends into said aperture** in said handle when said hanger is in a retracted position. [emphasis added]

Applicants respectfully disagree with the Office Action's characterization of Tontarelli's coat hanger hook. In claim 32, Applicants recite a hanger comprising: a shaft, a mounting portion coupled to an end portion of the shaft, and a hook portion positioned at an opposite portion of the shaft. The mounting portion and the hook portion are positioned on opposite ends of the hanger shaft, as claimed and shown, for illustration of one embodiment, in Figures

3A-3D. The Office Action proposes that Tontarelli's bearing journal 1a of the hook 1 is both a 'hook portion' and a 'mounting portion' (see Page 3 and 4 of the Office Action). Such a characterization of Tontarelli can not stand since claim 32 recites that the hook portion and the mounting portion are positioned at opposite ends of the hanger shaft.

Although the bearing journal 1a of Tontarelli's hook 1 extends into an blind channel 2a of the base portion 2, the hook portion of Tontarelli's hook 1 is not configured to extend into the blind channel 2a of the base portion 2. Claim 32 recites that a portion of the hook portion of the hanger extends into the aperture in the handle, as opposed to a portion of the hanger extending into the aperture of the handle. Applicants respectfully submit that the Office Action's characterization of Tontarelli's hook 1 is inconsistent with the language of claim 32 and respectfully request reconsideration of claim 32.

Claim Rejections Under 35 U.S.C. § 103 (a):

Claims 6, 18, 19, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tontarelli (US Patent No. 4,750,697) in view of Kinsel (US Patent No. 6,651,941). Applicants respectfully request reconsideration of these claims and respectfully submit that these claims are patentable over Tontarelli and Kinsel for the reasons set forth below.

Claim 6 is dependent upon claim 1. Kinsel does not overcome the deficiencies of Tontarelli, as applied to claim 1. Kinsel discloses a bar carrier including bag holding hooks for attachment to a car seat. Kinsel does not disclose at least one circumferential recess positioned on an exterior cylindrical surface of said mounting portion, as recited in claim 1.

Claim 18 is dependent upon claim 13. Kinsel does not overcome the deficiencies of Tontarelli, as applied to claim 13, i.e., Kinsel does not disclose a thoracic cavity drainage system.

Independent claim 19, as amended, recites at least one limitation that is neither disclosed nor suggested by Tontarelli or Kinsel, alone or in combination, namely:

a surface of the medical device positioned to contact said hook portions of said hangers in a retracted position of the hangers, thereby limiting movement of the hook portions of the hangers in the retracted position

Applicants have amended claim 19 to recite that a surface of the medical device is 'positioned to contact' the hook portions. Support for the amendment may be found, for

example, in Figures 1 and 4A-4D and in the instant specification on Page 14, Lines 1-7, which describes one exemplary embodiment:

The protrusions 46 ensure the hangers 10 are properly aligned within the ornamental elongated groove 54 of the ornamental grasping portion 42 of the handle 16. The slots 52 defined along a bottom surface of the ornamental elongated groove 54 accommodate at least a portion of each hook portion 28, thereby permitting the hook portions 28 to lay flush within the grasping portion 42.

The Office Action contends that rotation of Tontarelli's hanger about the "bar or surface (10) of the medical device inherently limits rotation of the hook portion by way of the inherent friction of the mounting portion contacting the bar" (10) (see Page 5 of the Office Action). The Office Action's position is now moot in view of Applicants' amendment to claim 19. Tontarelli does not disclose or suggest a surface positioned to contact the hook portion to limit movement of the hook portion in the retracted position. Tontarelli's hook portion of hook 1 is unrestricted and free to rotate about the bottom portion 10 of the hanger 'H.' The Office Action does not contend that Kinsel discloses the above limitation recited in claim 19.

Tontarelli and Kinsel therefore fail to disclose or suggest every element of Applicants' claimed invention, as recited in claim 19. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 19, as amended, is patentable over Tontarelli and Kinsel and should be allowed. Claims 21 and 22 are dependent upon claim 19, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 19, 21 and 22 is respectfully requested.

Independent claim 23, as amended, recites at least one limitation that is neither disclosed nor suggested by Tontarelli or Kinsel, alone or in combination, namely:

a thoracic cavity drainage system defining a collection chamber for storing fluid;
and

a handle coupled to said drainage system and configured for grasping said drainage system.

Similar to the amendment to claim 13, by amending claim 23 Applicants are affirmatively claiming an assembly comprising a thoracic cavity draining system having a collection chamber. Support for this amendment may be found, for example, in Figures 1, 2, 5 and 6 and in the instant specification on Page 1, Line 11 to Page 2, Line 2. In contrast, Tontarelli discloses a hook for a coat hanger and Kinsel discloses a bag carrier for coupling to a

car seat, as opposed to a thoracic cavity draining system having a collection chamber and a handle.

Tontarelli and Kinsel therefore fail to disclose or suggest every element of Applicants' claimed invention, as recited in claim 23. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 23, as amended, is patentable over Tontarelli and Kinsel and should be allowed. Reconsideration of claim 23 is respectfully requested.

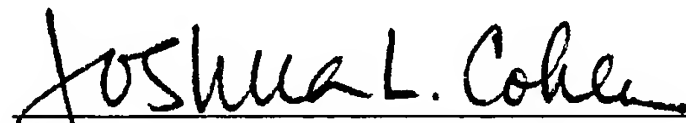
Appln. No.: 10/694,147
Amendment Dated: November 30, 2006
Reply to Office Action of August 31, 2006

AMD-104US

Conclusion

In view of the amendments in the claims and the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,



Joshua L. Cohen, Reg. No. 38,040
Attorney for Applicants
Brett J. Rosen, Reg. No. 56,047
Registered Patent Agent

JLC/BJR/ap/crj
Dated: November 30, 2006

☒ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

☐ P.O. Box 1596
Wilmington, DE 19899
(302) 778-2500

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

11/30/06

